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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

Vol. 13

January 16, 1996

No. 1

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WEEK IN REVIEW

HOUSE

Representatives Mack Hines(D-Florence) and Brenda Lee (D-Spartanburg) are new to the House this session. Hines replaces Hicks Harwell and Lee assumes the seat of Donald Beatty. Both men were elected to judgeships last year. Michael Easterday (R-Simpsonville) was chosen to take Beatty's place on the House Ethics Committee. District 19 currently is not represented, as Michael Fair (R-Greenville) was elected to the Senate. Fair replaces Samuel Stilwell who resigned last fall to run for the State Court of Appeals. Also, Representatives set noon Wednesday, January 30th for the election of three seats on the South Carolina Employment Security Commission.

The House upheld all of Governor David Beasley's vetoes to the 1995-96 budget, the capital reserve fund, and the supplemental appropriations bill. However, discussion of a bill distributing surplus general fund revenues from 1994-1995 was postponed until this week to give lawmakers more time to examine the bill.

Representatives gave final approval to a bill that provides emergency workers with control over accident scenes until fire and/or law enforcement officials arrive. The measure also recognizes these areas as special hazards, triggering penalties for violation. It now goes to the Senate, as does "The Gift of Life Organ and Tissue Procurement Act of 1996." This act allows taxpayers to check off a donation for the Gift of Life Trust Fund on their state income tax forms, or to give when receiving drivers' licenses. Other legislation receiving third reading included a bill requiring school board trustees elected for the first time to have orientation if money is available from the State Department of Education to reimburse the school districts for this expense. A measure to draw jurors from election lists only rather than also using drivers records was given second reading.

Debate on several other bills, including the "Economic Development Industrial Cluster Act of 1996" and a state lottery bill, was postponed. An attempt to kill the lottery bill failed, but last week's strategic vote indicates the measure did not have the support of two-thirds of the House which is needed for passage at that time. The "Economic Development Industrial Cluster Act" should be taken up this week after Representatives have had a chance to study the bill.

SENATE

Senators mourned the death of their late colleague Marshall Williams of Orangeburg. In keeping with the seniority system, they elected Greenwood Senator John Drummond to replace Williams as president pro tem. Drummond promised his peers he would address the issue of voting inequity in joint elections with the House as he assumed the mostly ceremonial post.

Greenville Senator Michael Fair was sworn in, having taken over the seat left vacant by Samuel Stilwell. Stilwell resigned to run for the State Court of Appeals.

State House Committee Chairman Verne Smith reassured colleagues that capitol renovations are on track and should be completed in two years. Smith said he was unable to confirm a report claiming radon and asbestos clean-ups would keep lawmakers out of the State House for five to seven years.

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Final approval was given to H.4037, a bill providing that former county council members who have served at least twelve years are eligible for state health and dental insurance benefits. Since the House had already passed the act, it now goes to the Governor for his signature.

The upper chamber also gave third reading to the Senate version of "The Gift of Life Organ and Tissue Procurement Act of 1996." This act allows taxpayers to contribute to the Gift of Life Trust Fund on their state income tax forms and when getting their drivers' licenses. The legislation is similar to a bill which passed the House last week, but contains language about public awareness education programs that is not contained the House version of the bill. So the House and Senate versions will need to be reconciled before the act can be signed into law.

Another measure which had caught the public eye was sent back to committee for further study. Senators agreed to take a closer look at legislation easing county control over corporate hog and poultry farms. At issue is whether the state or counties should have greater control over these enterprises.

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COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Committee endorsed a bill which gives statewide police powers to Natural Resources volunteer department enforcement officials, except in cases where territorial jurisdiction is restricted by their directors. The measure also prohibits a person from being appointed as an officer if he holds another public office. This legislation is now up for second reading in the House this week.

EDUCATION AND PUBLIC WORKS

The Ad Hoc Subcommittee which met during the interim to study restructuring the Department of Transportation met Wednesday to amend its proposal, H. 4294. Originally formed to consider replacing the Transportation Commission with a Cabinet agency, the Subcommittee opts instead to retain the Commission structure with the following proposed revisions: (1) a new emphasis on private-public partnerships and outsourcing of building projects at the Department of Transportation, (2) the elimination of state employee grievance rights for certain Department of Transportation employees so that more of the work force might serve at the will of the Director, and (3) the creation of an internal grievance procedure to cover those employees exempted from state grievance rights. Further debate will take place on Tuesday when the bill is taken up in a joint meeting of the three subcommittees which handle transportation issues.

The Primary and Secondary Education Subcommittee reported favorably on an amended H. 3388, "The Charter Schools Act," which would allow for the chartering of public schools with specialized missions. Upon the request of Subcommittee Chairman Jaskwisch, the bill was recommitted to subcommittee so that it might be reexamined in light of new proposals for charter schools which the S.C. Chamber of Commerce hopes to have introduced as legislation. The full committee also delayed debate on H. 3467, a bill which would permit home school students to participate in certain public interscholastic activities.

JUDICIARY

Two bills were approved by the full Judiciary Committee. H. 3532 exempts roller skating rinks from liability for personal injury or death caused by the inherent risk involved in the sport. The bill is now up for second reading in the House.

The other bill which passed was H. 3339. It provides emergency workers control over emergency scenes until fire and/or law enforcement officials arrive. Currently emergency workers do not have this authority. The measure also requires drivers to obey emergency workers and designates emergency scenes as special hazards, triggering penalties for violations. This bill received third reading in the House Friday and will be sent to the Senate.

However, debate was adjourned on a bill pertaining to the tort claims act, and another allowing family courts to suspend or restrict the drivers' licenses of juvenile offenders.

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LABOR, COMMERCE, AND INDUSTRY

The Property and Casualty Subcommittee met Wednesday to discuss proposals to repeal the mandate in current state law that automobile insurers write physical damage coverage (i.e. collision, comprehensive, fire, theft) for those who qualify for the safe driver discount. Eliminating this mandated coverage, the proposals under consideration send drivers with clean records (who may, for other reasons, be considered too risky for insurance agents to cover) to apply to the Reinsurance Facility to obtain physical damage coverage at a rate higher than is found in the private market. Such a driver would pay these rates held at a self-sustaining level by the Reinsurance Facility or a special physical damages joint underwriters association created within the Facility. Supporters contemplate such proposals as a way of ending a pattern of unfair subsidies in the area of physical damage which allows, for instance, the driver of a Chevrolet to absorb part of the risk-rate of another driver's BMW. Supporters also aim to prevent an increase in the portion of the recoupment fee attributable to physical damage coverage which safe drivers pay. The subcommittee will revisit the issue before making a recommendation.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee gave a favorable report to an amended version of H. 4351, "The Gift of Life Organ and Tissue Procurement Act of 1996," which establishes a trust fund charged with educating the public on the importance of organ and tissue donation. The fund is equipped to receive gifts from any source, but would be funded primarily through a new income tax check-off donation and contributions made by applicants for driver's licenses, vehicle titles, and license tags. The committee's amendment to H. 4351 removes the proposed check-off donation option from corporate income tax forms, leaving it to appear on personal income tax forms, alone. H. 4351 received second reading from the House on January 11 and third reading on January 12.

Two measures, Joint Resolution H. 4329 which calls for a study on consumer financing of long-term care for the aging, and House Bill 4361 which establishes grants to assist communities confronting Alzheimer's Disease, both cleared subcommittees and await full committee action on January 16.

WAYS AND MEANS

Committee members determined how to divide up over ninety million dollars in surplus general revenue funds from fiscal year 1994-95. The Supplemental Appropriation Bill (H. 4425-see Bills Introduced) includes renovations at the State House and the Department of Juvenile Justice, funding for Redevelopment Authorities for the Charleston Naval and Myrtle Beach Air Force Bases, and various education projects. The measure also includes thirty million dollars to help lure new industry to South Carolina. Several other items that were included in the Supplemental Appropriations Bill had been vetoed by Governor David Beasley in last year's budget. They include subsistence and operating money for the House and the Senate, and funding for the University of South Carolina Law School. The committee bill will be up for consideration in the House this week.

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Representatives also endorsed the "Economic Development Industrial Cluster Act of 1996." This proposed legislation is designed to promote expansion in our state by Michelin and Maine-based insurer UNUM Corporation. Under the measure, these companies would be allowed to pay lower state income and property taxes. Also, Michelin is approved for a lower equipment depreciation rate and any industry which takes a jobs tax credit could extend the write-off to fifteen years rather than the current ten years. A separate provision in the bill allows local governments to keep half of their admissions tax profits to improve roads or other infrastructure, which would benefit the North Charleston Coliseum and Fantasy Harbour in Myrtle Beach. This bill also is up for second reading in the House this week.

On the subcommittee level, Health and Social Services subcommittee members will hold the first of three public hearings concerning Medicaid on Thursday, January 25th at 1:00 P.M. . Testimony will be heard about federal block grants for Medicaid.

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BILLS INTRODUCED

The following is a brief overview of some of the bills introduced last week in the House. Bill summaries are listed in numeric order according to committee assignment.

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H. 4332 SHRIMP TRAWLING Rep. Sharpe

This legislation requires the use of approved bycatch reduction devices in shrimp trawls.

H. 4333 SHRIMPING LIMITS Rep. Sharpe

The bill imposes catch and possession limits on shrimp. It also revises penalties for violations to include a two hundred dollar fine (\$200), imprisonment of not more than thirty days, or forfeiture of specified personal property for certain violations.

H. 4334 TAKING OF EELS Rep. Sharpe

The bill allows commercial fishing of eels by individuals with the proper permit. The permit may include provisions as to the designated seasons, size limits, fishing methods, catch limits and reporting. Penalties for improper eel fishing range from a two to five hundred dollar (\$200-\$500) fine, or a jail sentence of not more than thirty days.

H. 4335 IMPORTATION OF SHELLFISH Rep. Sharpe

The proposed legislation allows individuals and corporations with the proper permits to import shellfish into the state for commercial purposes. Provisions which may be included in the permit are kind and placement of shellfish, testing of shellfish for disease, and any needed cleanup efforts. Individuals and corporations without the proper permit or who fail to meet the provisions of the permit are guilty of a misdemeanor and may be fined from two hundred (\$200) to five hundred dollars (\$500), or sentenced to thirty days in prison. In addition, they may be required to pay cleanup and corrective costs.

H. 4338 SUNDAY DEER HUNTING Rep. Sharpe

During open season, this legislation allows for the Sunday hunting of both antlered and antlerless deer on private land in Game Zones 1, 2, and 4.

H. 4339 PURSUIT OF DEER WITH DOGS Rep. Sharpe

The bill prohibits the pursuit of antlered deer by dogs except on tracts of more than two hundred fifty (250) contiguous acres which are owned by the hunter, or when the hunter has written permission from the owner.

H. 4340 SPECIAL GUEST FISHING LICENSE Rep. Sharpe

Owners or lessees of private property bordering inland fishing waters or joint fishing waters may be issued a special guest fishing license for an annual fee of fifty dollars (\$50). The license entitles that person to fish from private shores, piers, or docks without an additional fishing license.

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H. 4385 FORESTRY BEST MANAGEMENT PRACTICES Rep. Sharpe

The bill establishes and mandates minimum requirements of the "Best Management Practices Guidelines" of the State Commission on Forestry. Included in these requirements are provisions for tree cutting and stream management. The bill also provides a civil penalty of not more than one thousand dollars (\$1000) for each violation, with revenue from the fines retained by the State Forestry Commission and used for its operations.

EDUCATION AND PUBLIC WORKS

H. 4314 LICENSE PLATES FOR ORGAN TRANSPLANT RECIPIENTS Rep. Govan

This bill creates a special license plate which may be issued to organ transplant recipients.

H. 4323 MAXIMUM SPEED LIMITS Rep. Knotts

This bill repeals the state's fifty-five mile-per-hour (55 mph) speed limit and sets a new maximum of seventy-five miles-per-hour (75 mph) on portions of the interstate system.

H. 4331 AGING AND THE PUBLIC SCHOOL CURRICULUM Rep. P. Harris

This Joint Resolution calls for the Division on Aging, Office of the Governor, the South Carolina Department of Education, and the South Carolina Association of Area Agencies on Aging to explore ways of integrating topics related to aging into public school curricula and encouraging senior citizens to volunteer in the state's classrooms.

H. 4342 RESTRICTIONS ON TRAILERS AND SEMITRAILERS Rep. Govan

This bill restricts the speed of a two or three-unit combination trailer or semitrailer to fifty-five miles-per-hour (55 mph) on a single lane highway and sixty-five miles-per-hour (65 mph) on a multi-lane highway. Trucks of these types would also be required to travel in the right lane of a multi-lane highway except when passing.

H. 4355 STATEWIDE MAXIMUM SPEED LIMITS Rep. Haskins

This bill raises maximum speed limits as follows: sixty-five miles-per-hour (65 mph) on portions of the interstate now posted at fifty-five miles-per-hour (55 mph); seventy-five miles-per-hour (75 mph) on portions of the interstate now posted at sixty-five miles-per-hour (65 mph); and, sixty miles-per-hour (60 mph) on portions of highways other than the interstate now posted at fifty-five miles-per-hour (55 mph).

H. 4356 DRIVER'S LICENSE APPLICATION/ RENEWAL Rep. Haskins

This bill prevents the state from issuing a driver's license to a person sixteen years or under who has not completed successfully a driver training course. Additionally, all persons sixty-five years or younger renewing a driver's license must complete successfully the road test once every twelve years.

H. 4366 "CHILD BICYCLE SAFETY ACT" Rep. Cotty

This bill makes it unlawful for a person under the age of sixteen to operate or ride on a bicycle without the protection of a helmet. The bill also specifies how infants might lawfully ride on a bicycle. Parents are held accountable for knowingly permitting the above violations. Convictions result in a thirty dollar fine which is deposited in a Bicycle Safety

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Fund which provides for bicycle safety programs and, given sufficient funds, assists low-income families in purchasing approved bicycle helmets.

H. 4370 THREE- AND FOUR-YEAR-OLD KINDERGARTEN Rep. Govan

This bill provides that any child development programs for three- and four-year-olds which a public school district offers must no longer serve exclusively the handicapped and educationally disadvantaged, but must instead be open to all three- and four-year-olds.

H. 4391 SPEED LIMITS FOR TRAILERS AND SEMITRAILERS Rep. Haskins

This bill limits trailers and semitrailers operating in two or three-unit combinations to speeds of sixty-five miles-per-hour (65 mph) along stretches of the interstate highways posted with sixty-five miles-per-hour (65 mph) speed limits before passage of the 1995 federal act removing such limits. Trucks of this variety must not exceed fifty-five miles-per-hour (55 mph) along all other highways and portions of the interstate system.

H. 4394 CONFLICT RESOLUTION TRAINING Rep. Byrd

This measure requires that a portion of the annual in-service training for teachers and administrators be devoted to instruction on conflict resolution and peer mediation.

H. 4411 PROPERTY OWNERSHIP AND PUBLIC SCHOOL ATTENDANCE Rep. Kirsh

This bill eliminates the qualification which allows a child who owns real estate with an assessed value of \$300 or more in a district to attend school in that district.

H. 4412 CPR AND HEIMLICH TRAINING IN HIGH SCHOOLS Rep. Kelley

This bill requires all high school students to complete successfully a course in cardiopulmonary resuscitation and the Heimlich Maneuver as a prerequisite for graduation.

H. 4429 FOUR AND FIVE-YEAR-OLD KINDERGARTEN PROGRAMS Rep. Cave

This bill requires school districts to establish full-day programs for five-year-olds and half-day programs for four-year-olds. Districts may elect to provide full-day programs for four-year-olds. All of these programs must be open to all students, not simply the handicapped and educationally disadvantaged.

H. 4430 SCHOOL CRIME Rep. Wright

Under this bill, the Attorney General's Office takes on certain key coordinating functions in the prosecution of school-related crimes. The State Department of Education is required to forward all of the information it receives from the school districts pertaining to school-related crime to the Attorney General's Office. Local law enforcement officials must report certain school-related crimes to the Attorney General's Office via the "school safety phone line." Also, the Attorney General may, upon request of the local school district, petition the local school board to expel students charged with particular crimes and may represent the local school district when such cases reach an appellate court.

H. 4431 SCHOOL FUNDING FOR AUTISTIC STUDENTS Rep. Townsend

This measure revises the formula for allocating funds to school districts so as to add a special weighting for autistic pupils.

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H. 4432 SCHOOL CRIME REPORT ACT Rep. Cooper

This bill transfers from the Department of Education to the Attorney General the duties imposed under the School Crime Report Act including: compiling information on school-related crime; reporting findings to the General Assembly; ensuring prosecution and expulsion proceedings; and promulgating necessary regulations. The bill also requires school administrators to contact the Attorney General's Office via the "school safety phone line" when certain school-related crimes are committed.

JUDICIARY

H. 4311 "CRIMINALLY INSANE DEFENDANT ACT" Rep. J. Brown

The measure creates the category of "criminally insane" and establishes definitions. The act also provides safeguards for prosecution and requires adequate care with individualized treatment plans.

H. 4312 JUVENILE OFFENDER COMMITMENT LIMITATIONS Rep. Clyburn

The bill allows status offenders to be committed to certain Department of Juvenile Justice facilities for a period of no longer than forty-five days.

H. 4317 VEHICLE SEIZURES Rep. Kirsh

The proposed legislation requires a forfeiture hearing be completed within three months after a vehicle has been seized from a person driving with a suspended license or under the influence of drugs or alcohol.

H. 4318 STATE EMPLOYEE NEPOTISM PROHIBITION Rep. Kirsh

Under this provision, a state employee who has management responsibility will be prohibited from hiring family members for public positions under his direct supervision.

H. 4319 LICENSE REVOCATION OF UNDERAGE DUI OFFENDERS Rep. Kirsh

In addition to any other legal penalties, the bill provides that drivers under twenty-one years old who are convicted of driving under the influence of drugs or alcohol will have their licenses revoked for an additional year.

H. 4320 RECOVERY OF PUNITIVE DAMAGES IN CIVIL ACTIONS Rep. Kirsh

This bill specifies the manner in which punitive damages may be pled and limits the maximum amount which may be awarded. It also addresses the awarding of attorney's fees in frivolous or malicious punitive damage claims and repeals the section relating to the burden of proof.

H. 4321 JURY SERVICE IN MAGISTRATE'S COURT Rep. Kirsh

The measure establishes a ten dollar (\$10) fine for failure to appear for jury duty in magistrate's court without sufficient reason being given within forty-eight hours. It provides that a person cannot be called for jury duty in magistrate's court more than once every three years instead of once every three months as it currently stands.

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H. 4327 ATTORNEY FEES IN TORT CASES Rep. Witherspoon

Under this bill, any person bringing or defending a civil action in tort must pay the attorneys' fees and costs of the prevailing party as determined by the court.

H. 4328 FIREARM THEFT Rep. J. Young

The measure makes firearm theft a grand larceny, regardless of the value of the firearm. Penalties for this felony include a fine and a one year prison sentence at the discretion of the court.

H. 4337 SCHOOL BOARD TRUSTEE ELECTION FILING Rep. Lanford

Under this bill, a petition candidate for election as a school board trustee must secure the stipulated number of signatures from qualified voters only once to appear on the ballot. Thereafter, the candidate need only file a declaration of candidacy.

H. 4341 ATTORNEY FEES IN JUVENILE DELINQUENCY CASES Rep. Wilkins

The proposed legislation allows the courts to require that financially able parents reimburse counsel fees in juvenile delinquency cases.

H. 4343 ABOLISH OFFICE OF SECRETARY OF STATE Rep. D. Smith

The joint resolution allows voters to determine by referendum whether to abolish the office of Secretary of State and divide its duties and functions among other state constitutional offices.

H. 4344 COURT-ORDERED RESTITUTION BY JUVENILES Rep. Jennings

This bill removes the current five hundred (\$500) cap on court-ordered restitution by juveniles. Under the provisions of the measure, the amount of restitution will be left up to the courts to determine.

H. 4346 "CRIMES AGAINST UNBORN CHILDREN ACT" Rep. Herdklotz

The act creates offenses of intentional homicide, voluntary manslaughter, involuntary manslaughter, battery, and aggravated battery against unborn children. It also provides penalties for these offenses. However, the act would not apply when the pregnant woman has consented to an abortion.

H. 4353 PARTY CHANGING BY CANDIDATES Rep. Govan

This bill addresses candidates who pledge for election with a specific political party but later change parties while in office. It deems those candidates to have vacated their seats, and requires they take an oath to that effect prior to their elections.

H. 4359 FALSE CHILD ABUSE/NEGLECT REPORTS Rep. Lanford

The measure makes it a misdemeanor to knowingly file a false report of child abuse or neglect. Immunity from liability for good faith would be negated, and the court would be allowed to release identifying information about the person bringing the false report.

H. 4362 JURISDICTION OF JUVENILE/INCAPACITATED PERSONS Rep. Cromer

The bill provides jurisdiction for the particular circuit or probate court settling claims which involves minors or incapacitated persons.

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H. 4371 INMATE LITIGATION Rep. Klauber

Aimed at preventing frivolous lawsuits, the measure requires inmates pay filing fees and court costs. Inmates may lose earned work, education, and good-time credits if litigation is deemed frivolous, and cases may be dismissed by the courts.

H. 4372 RESERVED WATER DAMAGES Rep. Lanford

The bill prohibits the damming or releasing of water onto lands without the owners' permission. Violators are subject to civil action resulting in monetary damages.

H. 4373 NUDITY Rep. Fair

The bill prohibits public nudity. At the discretion of the court, violators may be fined or imprisoned up to three years for this misdemeanor.

H. 4374 POST-VIABILITY ABORTIONS Rep. Haskins

The measure prohibits post-viability abortions except when the mother's life is endangered or the unborn child is not viable. Other provisions stipulate that the procedure must be done in a hospital and that a physician must be present to provide immediate medical care to the unborn child. Violators are guilty of a felony, and are subject to a fine of not more than five thousand dollars (\$5000) or imprisonment for not more than five years.

H. 4377 FELONY CRIMINAL SUICIDE ASSISTANCE Rep. Fair

Sometimes called the "Kevorkian" bill, the proposed legislation creates the crime of "felony criminal assistance to suicide." Penalties include imprisonment of up to four years and a fine of not more than two thousand dollars (\$2000). The provision does not apply to a licensed health care professional who prescribes or dispenses medications or procedures to relieve a patient's pain or discomfort, even if that action hastens or increases the chance of death.

H. 4378 EDUCATIONAL CHILD NEGLECT Rep. Simrill

A child may be considered neglected as to proper education if his parents or guardians fail to attend two meetings called for by the principal to discuss academic or behavioral problems concerning the child. These meetings must be convenient to the parents or guardians. A parent or guardian's failure to request postponement or rescheduling prior to the meeting would constitute a failure to attend the meeting.

H. 4380 "PARTIAL-BIRTH ABORTION BAN ACT" Rep. Haskins

The act prohibits abortions in which a person partially vaginally delivers an unborn child before killing it and completing the delivery. This constitutes a felony which is punishable by a fine of up to fifteen thousand dollars (\$15,000) and a prison sentence of up to fifteen years upon repeated violations. In addition, offenders are subject to civil suit where monetary awards can be as great as three times the partial-birth abortion costs.

H. 4382 DOMESTIC ABUSE Rep. Harrison

The bill makes a technical amendment to the statutorily required statement that must be included in court orders issued in cases of domestic abuse. The statement specifies the punishment for violation of the order. The amendment conforms that statement to reflect an increased penalty for this offense. Rather than two hundred dollars (\$200), the statement should refer to a five hundred dollar (\$500) fine.

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H. 4384 ETHICS LAW REVISION Rep. Harrison

The proposed legislation would amend the "Ethics, Government Accountability, and Campaign Reform Act of 1991" by prohibiting public officials from deliberating or voting on budgets of public agencies which employ any immediate family member.

H. 4387 EMPLOYER IMMUNITY Rep. McElveen

Depending on the scope of the information, the measure provides both absolute and qualified immunity from civil liability to employers responding to prospective employers' request for references.

H. 4389 CONFISCATION AND DISPOSAL OF CRIME TOOL Rep. Keyserling

The bill allows a law enforcement agency to confiscate and dispose of a tool or device used during the commission of a crime after the case has been prosecuted successfully. The tool or device may be used by that law enforcement agency, transferred to another law enforcement agency, or destroyed.

H. 4393 PRETRIAL ELECTRONIC HOME DETENTION Rep. Limehouse

The measure allows pretrial electronic home monitoring of high-risk and violent adults and juveniles as an alternative to mandatory incarceration.

H. 4398 RETAIL MERCHANDISE SOURCE RECORDS Rep. Harrison

Under provisions of this bill, retailers are required to keep records of the source of new merchandise. Merchandise without this documentation may be confiscated and held as evidence. Penalties for violations include fines of up to five thousand dollars (\$5000) and imprisonment for up to sixty days. After the third offense, the retailer's Sales and Use Tax License will be revoked. However, the bill does not apply to charitable organizations offering merchandise for sale.

H. 4401 PRISONER WORK RELEASE PROGRAM ELIGIBILITY Rep. Wilkins

The bill provides conditions which prisoners must meet to become eligible for work release programs and early release programs. It also limits the amount of time a prisoner can earn for good conduct and education credits. In addition, it limits participation in community supervision and shock probation programs. However, the measure does not apply to certain local correctional facilities.

H. 4409 SURVIVORSHIP ON JOINT TENANCY Rep. Cotty

Presently an instrument creating a joint tenancy must expressly provide for a right of survivorship or that right is severed at the death of a joint tenant. This bill further provides for the type of instrument which may preclude the severance of the right of survivorship, by including an instrument in which a person makes a conveyance to himself and at least one other, or in which two or more people make a conveyance to themselves and at least one other.

H. 4420 FREEHOLDER PROPERTY ANNEXATION Rep. Seithel

The bill allows a freeholder owning property in a municipality to petition another municipality if the property is contiguous.

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H. 4426 DISEASE TESTING OF CONVICTED OFFENDERS Rep. R. Smith

Under the provisions of this bill, a person arrested for a sex crime must be tested for Hepatitis B and all sexually transmitted diseases, including HIV and AIDS, within two days after arrest. Current law says the person shall be tested fifteen days after conviction or adjudication.

H. 4427 DRIVER'S LICENSE REVOCATION FOR UNDERAGE DUI Rep. Sharpe

The proposed legislation revokes the driver's license of a person under twenty-one years old who is convicted of driving under the influence of alcohol or drugs. This revocation lasts for five years or until the person turns twenty-one. Also, it cannot be suspended or overturned.

H. 4428 DUI LIMITS Rep. Stille

The bill changes the legal DUI limits to 0.08 blood alcohol content (BAC) rather than the current 0.10 BAC for persons over twenty-one years old. Persons under twenty-one years old are considered DUI if there is any per cent weight of alcohol in their blood.

H. 4433 DRIVER'S LICENSE REISSUANCE (SUSPENDED/REVOKED) Rep. Harrison

This measure provides a mechanism to reinstate drivers' licenses for people whose licenses have been suspended or revoked longer than five years if they have no violations during the five years prior to filing for reinstatement.

H. 4434 DRIVER'S LICENSE REISSUANCE AFTER 5TH DUI Rep. Harrison

The bill allows a person after a fifth DUI conviction to have his driver's license reinstated after an administrative law judge finds that the person has solved his problem with controlled substances. It also provides for permanent revocation of the driver's license after a sixth offense rather than the current fifth offense.

LABOR, COMMERCE, AND INDUSTRY

H. 4325 ON-PREMISES CONSUMPTION OF BEER AND WINE Rep. Richardson

This bill authorizes a biennial permit for on-premises consumption of beer and wine at a fee of eight hundred dollars (\$800) for establishments located in jurisdictions where Sunday sales of alcoholic beverages in containers of two ounces or less are authorized.

H. 4326 DERMATOLOGISTS COVERAGE AND HEALTH INSURANCE Rep. Waldrop

Under this bill, a health insurance policy may no longer cover dermatological services on the condition that clients first obtain a referral from a primary care physician.

H. 4345 "FAIR PRICE ACT FOR PRESCRIPTION DRUGS" Rep. Elliott

This bill requires drug manufacturers to make discounts, rebates, free merchandise, and similar trade concessions available to all purchasers on equal terms, irrespective of the class of trade to which the purchaser belongs. Penalties are established for violations.

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H. 4348 "NUCLEAR WASTE DISPOSAL COMPETITIVE BIDDING ACT"

Rep. Keyserling

This bill requires the State Budget and Control Board to renegotiate the lease for the state-owned low-level radioactive waste site so that the state may put the lease out for bids through a competitive bidding procurement process.

H. 4349 LOW-LEVEL RADIOACTIVE WASTE AND UTILITIES Rep. Keyserling

This bill prohibits the Public Service Commission from including in a utility's rate base any costs for low-level radioactive waste disposal unless the disposal charges are the result of a competitive bidding process.

H. 4350 "NUCLEAR WASTE DISPOSAL CONSUMER PROTECTION ACT"

Rep. Keyserling

This measure affords the Public Service Commission the power to regulate the rates charged by every low-level radioactive waste facility operator in the state. The Commission would have access to the books of these operators and exercise approval or disapproval over all proposed rate changes.

H. 4352 REPEAL OF THE DRYCLEANING RESTORATION FUND Rep. Robinson

This bill abolishes the Drycleaning Facility Restoration Fund; registration and annual fees and surcharges assessed against drycleaning facilities; and, the Drycleaning Advisory Council.

H. 4367 ANTIQUE CARS AND THE REINSURANCE FACILITY Rep. Townsend

This bill exempts the owner of an antique automobile from the facility recoupment charge.

H. 4369 WITHHOLDING TAXES ON UNEMPLOYMENT COMPENSATION Rep. Cato

Under this bill, an individual receiving unemployment compensation may elect to have the portion of the compensation which he owes in state and federal income taxes deducted and withheld from payments.

H. 4376 DRIVER TRAINING VOUCHER, FEE, AND REQUIREMENT Rep. Richardson

This measure requires the Department of Insurance to issue to every first time applicant for a driver's license who is between fifteen and seventeen years of age a driver training voucher which can be exchanged for a driver training course at any approved training facility. These vouchers are to be funded through a three dollar (\$3) annual fee collected on the rate or premium which insurers charge for private passenger automobiles. Additionally, no driver's license shall be issued to a person between the ages of fifteen and seventeen until the applicant has provided evidence that he has completed satisfactorily an approved driver training course.

H. 4379 "BONE MASS MEASUREMENT COVERAGE ACT" Rep. Byrd

This bill requires insurers to include in their individual or group accident and health policies coverage for qualified individuals to undergo bone mass measurement for the prevention, diagnosis and treatment of osteoporosis.

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H. 4381 DERMATOLOGISTS COVERAGE UNDER HEALTH INSURANCE Rep. Bailey

Under this bill, a health insurance policy may no longer cover dermatological services on the condition that clients first obtain a referral from a primary care physician.

H. 4396 CHILDBIRTH INSURANCE Rep. Harvin

This measure requires insurance policies and health maintenance organizations to pay for hospitalization for at least forty-eight hours after vaginal delivery of a child and ninety-six hours after a caesarian section.

H. 4399 RESTRICTIONS ON LIQUOR LICENSES Rep. Whatley

This bill prohibits resubmitting an application for a retail liquor license for a location which has been rejected within a two-year period. All applications for beer, wine, and alcoholic liquor permit and license renewals filed with the Department of Revenue and Taxation must, under this provision, contain a listing of any violations for the location. The Department would be empowered to reject an application on the basis of a pattern of violations for a particular location. The bill also raises from three hundred to one thousand feet the distance which must separate a licensed vendor of alcohol from a church, school, or playground.

H. 4405 RETIRING DESIGNATED INSURERS Rep. Fulmer

The classification of "Retiring Designated Insurer" is defined in this bill as an insurer which has given notice or been given notice that it will no longer be a Reinsurance Facility designated insurer. Such Retiring Designated Insurers may, under this bill, cancel or refuse to renew only those automobile insurance policies written through designated agents.

H. 4435 MARINE CONSTRUCTION Rep. Seithel

This bill defines "marine construction" as any activity in deep water installations and repairs done in harbors, inlets, sounds, bays, channels, or lakes, and redefines the licensing criteria of general contractors, mechanical contractors, and residential builders to include individuals who engage in marine construction in various conditions.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H. 4316 EXPIRATION DATES FOR PRESCRIPTION DRUGS Rep. Kirsh

This bill requires that an expiration date be included on the labels of all prescription drugs.

H. 4324 DUTIES OF RESERVE POLICE OFFICERS Rep. Meacham

This measure removes the requirement that a reserve police officer be accompanied at all times by a full-time police officer, and requires instead that a reserve officer maintain proximate contact, by radio or otherwise, with a full-time officer.

H. 4329 STUDY OF CONSUMER FINANCING OF LONG-TERM CARE Rep. P. Harris

This Joint Resolution calls upon the Joint Legislative Committee on Aging to work in conjunction with the Center of Health Policy, Institute of Public Affairs, University of S.C. in studying and reporting to the General Assembly on the options facing consumers financing the long-term care needs for an aging population.

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H. 4351 "GIFT OF LIFE ORGAN AND TISSUE PROCUREMENT ACT" Rep. Walker

The Gift of Life Trust Fund is established under this bill and charged with educating the public on the importance of organ and tissue donation. The Fund would receive gifts from any source, but would be funded primarily through a new income tax check-off donation and contributions made by applicants for driver's licenses, vehicle titles, and license tags.

H. 4354 DUTIES OF RESERVE POLICE OFFICERS Rep. Robinson

This measure removes the requirement that a reserve police officer be accompanied at all times by a full-time police officer, and requires instead that a reserve officer maintain proximate contact, by radio or otherwise, with a full-time officer.

H. 4361 GRANT PROGRAM FOR ALZHEIMER'S SUFFERERS Rep. P. Harris

This bill directs the Resource Coordination Center for Alzheimer's Disease and Related Disorders to develop a grant program to assist communities in facing the problems posed by Alzheimer's disease. In order to receive the grants, communities would have to provide matching funds.

H. 4363 LIMITATIONS ON THE SALE OF PHARMACY RECORDS Rep. Keyserling

This measure requires that pharmacy records be sold only to pharmacists or drug outlets licensed or permitted by the State Board of Pharmacy. Moreover, the written consent of each customer whose records are to be sold must be obtained before a transaction.

H. 4365 EMERGENCY MEDICAL TECHNICIAN COURSES Rep. Lanford

Under this provision, a fire fighter may no longer be denied entry into an emergency medical technician course based on whether or not his fire department has an ambulance.

H. 4368 PRISON INSPECTION Rep. Martin

This bill transfers from the Department of Corrections to the State Budget and Control Board the duties of inspecting jails and prisons and enforcing minimum standards for incarceration. Also, the Board must establish a resource center for confinement facilities.

H. 4375 FINGERPRINT REVIEWS OF DAY CARE EMPLOYEES Rep. Hutson

This Joint Resolution exempts caregivers in child day care facilities from the mandatory fingerprint reviews conducted by the State Law Enforcement Division and the Federal Bureau of Investigation if the caregiver has been rendering services continuously in a day care setting since July 1, 1993, or earlier.

H. 4392 "OSTEOPOROSIS PREVENTION AND TREATMENT EDUCATION ACT"

Rep. Byrd

The Osteoporosis Education Fund is established under this bill and charged with dispensing information on the prevention, diagnosis, and treatment of osteoporosis.

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H. 4395 "WOMAN'S RIGHT TO KNOW" UPDATE Rep. Fair

Under this bill, the Department of Health and Environmental Control must include details on the research linking breast cancer to abortion in the information they are required to distribute to a patient prior to an abortion.

H. 4404 COUNTY VETERAN'S AFFAIRS OFFICERS Rep. Richardson

This bill allows a county legislative delegation to confer upon the governing body of the county the ability to recommend the appointment or removal of county veteran's affairs officers.

H. 4408 SCHOOL RESPONSIBILITY TO FOSTER CHILDREN Rep. Clyburn

This bill specifies that it is the responsibility of the school district to provide for the educational needs of any child residing in the district while in foster care, a group home orphanage, or a state-operated health care facility. Handicapped students are excepted.

WAYS AND MEANS

H. 4313 CITADEL BONDS Rep. Fulmer

The proposed legislation increases the amount of revenue bonds the Citadel may issue for student/faculty housing and other facilities. Currently the maximum principal amount of these revenue bonds authorized to be outstanding at any time is twenty-five thousand dollars (\$25,000). The bill raises that limit to thirty-five thousand dollars (\$35,000).

H. 4315 STATE GOVERNMENT PERFORMANCE AUDIT Rep. Herdklotz

This joint resolution establishes the "Performance Audit Steering Committee." The committee will conduct a comprehensive performance audit of state government, except for legislative agencies, from June 30, 1996 through December 31, 1997. Two million dollars from the unobligated 1994-1995 general fund surplus will be placed in a special account for the expenses of this fifteen member committee.

H. 4322 SALES TAX EXEMPTION FOR FOOD STAMPS Rep. Kirsh

Under the provisions of this bill, items lawfully bought with United States Department of Agriculture Food Coupons would be exempt from state sales tax.

H. 4330 IMMIGRANT HEALTH CARE & AGING SERVICES COSTS Rep. P. Harris

In light of South Carolina's fast growing retirement population, this joint resolution provides for a study of the statewide impact of immigrants on health care costs and other aging network services, such as Meals on Wheels. The resolution requires that a report and recommendations be made to the General Assembly by January 1, 1997.

H. 4336 PAID LEAVE FOR SCHOOL ACTIVITIES Rep. T. Brown

The bill allows employees up to eight hours of paid leave each year to attend elementary and

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secondary school conferences or activities during work hours. With employer permission, an employee also may take up to twelve hours of paid leave to volunteer teach in these schools during work hours. Employers would be entitled to state income or premium tax credits for allowing this.

H. 4347 TAXES ON LOW-LEVEL RADIOACTIVE WASTE Rep. Keyserling

The bill provides that taxes on low-level radioactive waste must be two hundred thirty-five dollars (\$235) per cubic foot or three hundred ninety-two dollars (\$392) per curie, whichever amount is greater. It also establishes the tax amount per curie.

H. 4357 STATE AGENCY ZERO BASED BUDGETING Rep. Marchbanks

The proposed legislation prohibits state agencies from spending more general funds in a fiscal year than has been budgeted in general and/or supplemental funds. Transferring funds for this purpose is also prohibited. Any agency head who knowingly does so will be guilty of malfeasance in office. Repeal or amendment of the provisions would require a two-thirds vote of the General Assembly.

H. 4358 JOINT BOND REVIEW COMMITTEE Rep. Robinson

This bill abolishes the Joint Bond Review Committee and places its duties and functions with the House Ways and Means Committee and the Senate Finance Committee. Functions will be performed separately with differences resolved between committee chairmen.

H. 4360 REAL PROPERTY TAX BILLS Rep. Hallman

Under provisions of this measure, real property tax bills will contain a statement of the preceding year's tax due in each category of tax imposed for the current tax year.

H. 4364 FEDERAL BLOCK GRANT EXPENDITURES Rep. Lloyd

Under this bill, for a state entity to commit or expend federal block grant funds, the state entity must have prior authorization or appropriation of these funds in the state budget. This restriction is imposed on programs created after the bill's effective date as law.

H. 4383 CLASSIFICATION & ASSESSMENT RATIOS OF PROPERTY Rep. Martin

Rollback tax, which is triggered when land is changed from agriculture use, is eliminated under this measure. Instead a change of use penalty of fifty dollars (\$50) is established.

H. 4386 STATE EMPLOYEE SERVICE CREDIT Rep. Cotty

The measure provides state employees receive full credit for their service in county government when calculating annual leave.

H. 4388 STATE AGENCY FEES Rep. McElveen

The bill prohibits state agencies and departments from charging for services or duties unless authorized by law. It also prohibits these agencies from charging other state agencies for their services unless specifically required by law.

H. 4390 STATE LOTTERY Rep. Cave

This legislation authorizes state-run lotteries with the proceeds going toward Education. Lottery expenses will be capped at fifteen per cent of total revenues. In addition,

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referendums will be held allowing counties to opt out of participating, in which case they will not receive any of the revenues.

H. 4397 "ECONOMIC DEVELOPMENT INDUSTRIAL CLUSTER ACT" Rep. Wilkins
In response to projected expansion in South Carolina by Michelin Tire and UNUM Corporation, the measure allows income tax credits to be applied against insurance premium tax liabilities and vice versa. It lengthens the tax credit carry forward period from ten to fifteen years, and establishes two new enterprise zones in the state for Michelin.

H. 4402 COMMISSION FOR MINORITY AFFAIRS Rep. Cobb-Hunter
Under provisions of this joint resolution, the Commission for Minority Affairs will be allowed to use private and public monies to conduct research and provide forums and training sessions. Any remaining balances will be carried over into fiscal year 1996-97, but do not apply to State General Fund Appropriations for the Commission.

H. 4403 FINE PAYMENT BY STATE AGENCIES Rep. P. Harris
The measure prohibits state entities from paying fines from sources other than the General Appropriations Act, including the Insurance Reserve Fund.

H. 4406 PAYMENT OF FINES BY STATE AGENCIES Rep. P. Harris
Same as H. 4403.

H. 4421 STATE INCOME TAX CREDIT FOR FILM INVESTMENT Rep. Limehouse
This bill allows a nonrefundable state income tax credit for fifty per cent, or up to fifteen thousand dollars (\$15,000), of a taxpayer's cash investment in qualified South Carolina film enterprises. Also included in the measure are additional state corporate income tax credits of fifty per cent or up to one hundred thousand dollars (\$100,000) for building film facilities in South Carolina.

H.4425 SURPLUS GENERAL FUND REVENUES Ways & Means Committee
The Supplemental Appropriation bill distributes over ninety million dollars of surplus general fund revenues from fiscal year 1994-95. Projects include:

State House Renovations	\$13,000,000
Coordinating Council for	
for Economic Development	\$30,000,00
Archives & History Facility	\$4,000,000
Local Government Fund	\$6,588,619
Juvenile Justice Renovations	\$14,000,000
Palmetto Trails	\$300,000
House of Representatives	\$500,000
Senate	\$500,000
Judicial Department	\$850,000
Department of Agriculture	\$452,000
Prosecution Coordination Commission	\$614,053
Tec Special Schools	\$4,000,000
Public Education	\$8,500,000

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Department of Corrections	\$5,813,445
Forestry Commission	\$300,000
Clemson PSA	\$300,000
USC Law School	\$330,000
Charleston Naval Base Redevelopment Authority	\$300,000
Myrtle Beach Air Force Base Redevelopment Authority	\$230,000

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